

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KARL E. RISINGER, et al.,

V.

Plaintiffs,

SOC LLC, et al.,

Defendants.

Case No. 2:12-cv-00063-MMD-PAL

ORDER

(Jt. Mot. for Approval of Class Notice & Notice Plan – ECF No. 198)

12 This matter is before the court on the parties Joint Motion for Approval of Class Notice
13 and Notice (ECF No. 198) (“Joint Motion”). This Joint Motion is referred to the undersigned
14 pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice.

15 || I. BACKGROUND AND PROCEDURAL HISTORY

16 This case involves a class action dispute over the terms of employment for armed guards
17 hired to work in Iraq. In September 2015, United States District Court Judge Miranda M. Du
18 granted in part and denied in part Defendant's Motion for Summary Judgment, denied
19 Plaintiff's Motion for Partial Summary Judgment is, and granted Plaintiff's Motion for Class
20 Certification pursuant to Rule 23 of the Federal Rules of Civil Procedure.¹ Order (ECF No. 155).
21 The Ninth Circuit recently affirmed her decision. Sept. 1, 2017 Memorandum (ECF No. 165).

22 Judge Du set the case for trial in January 2018. Defendants filed a Motion to Continue the
23 Trial, Joint Pretrial Order Deadline, and to Reopen Discovery (ECF No. 182). Judge Du granted
24 the portion of the motion regarding the trial, vacating the upcoming trial date. *See* Minute Order
25 (ECF No. 187). She then referred the portion of the motion seeking to extend the joint pretrial
26 deadline, adopt proposed schedule, and reopen discovery is referred to me *Id.* A trial date will be
27 reset after the discovery issues are addressed. *Id.*

²⁸ ¹ All references to a “Rule” or the “Rules” refer to the Federal Rules of Civil Procedure.

1 On December 21, 2017, the court held a hearing on the discovery and scheduling issues
2 raised in defendants' motion (ECF No. 182). *See* Mins. of Proceedings (ECF No. 190). The court
3 heard the parties' representations, shared its inclinations, and continued the proceedings to allow
4 the parties to continue their discussions. *Id.* On December 29, 2017, the court held a second
5 hearing during which it adopted the defendants' position regarding the two contested issues in the
6 class notice. *See* Mins. of Proceedings (ECF No. 191). The court further ruled that notice be given
7 by January 5, 2018 as requested by the parties, with a 60-day opt out period. *Id.* The court also
8 addressed the remaining discovery issues and case management schedule. *Id.*

9 On January 5, 2018, the parties filed a Stipulation to Extend Deadline for Class Notice
10 (ECF No. 192). The court granted this request. Order (ECF No. 197). The parties timely filed
11 the Joint Motion asking the court to approve notice to the class in the form attached as exhibits to
12 the motion.

13 **II. DISCUSSION**

14 In class actions certified under Rule 23(b)(3), "the court shall direct to the members of the
15 class the best notice practicable under the circumstances." The notice must clearly and concisely
16 state the following:

17 (i) the nature of the action; (ii) the definition of the class certified; (iii) the class
18 claims, issues, or defenses; (iv) that a class member may enter an appearance
19 through an attorney if the member so desires; (v) that the court will exclude from
20 the class any member who requests exclusion; (vi) the time and manner for
requesting exclusion; and (vii) the binding effect of a class judgment on members
under Rule 23(c)(3).

21 Fed. R. Civ. P. 23(c)(2)(B). Notice must be sent to "all members who can be identified through
22 reasonable effort." *Id.*

23 Rule 23(c)(2)(B) requires "the best notice that is practicable under the circumstances."
24 Under this standard, courts retain considerable discretion to tailor notice to the relevant
25 circumstances: "The determination of what efforts to identify and notify are reasonable under the
26 circumstances of the case rests in the discretion of the judge before whom the class action is
27 pending." 3 Newberg on Class Actions § 8:2 (4th ed. 2007) (citation omitted). "When the names
28 and addresses of most class members are known, notice by mail is usually preferred." *Id.*; *see also*

1 *Manual for Complex Litig.* § 21.311 (4th ed. 2004).

2 Here, the parties propose notice to putative class members by: (1) an official website
3 containing long-form notice and other litigation documents;² (2) physical mail notice to mailing
4 addresses of known potential class members; (3) email notice to e-mail addresses of known
5 potential class members; (4) social media notice advertisements targeted to Facebook users with
6 military and law enforcement “interests” on the Facebook social network; (5) short form notice as
7 internet ads calculated to reach potential class members; and (6) a toll-free helpline available 24-
8 hours a day, seven days a week to assist potential class members and allow them to leave a message
9 to speak with a notice administrator. The court finds that the proposed notice clearly and concisely
10 states the information required by Rule 23(c)(2)(B). The court finds that the parties have shown
11 the methods proposed provide the best notice practicable under the circumstances of this case.

12 Accordingly,

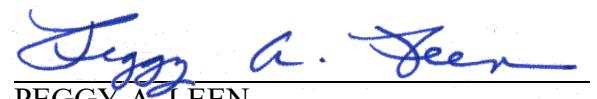
13 **IT IS ORDERED:**

14 1. The parties’ Joint Motion for Approval of Class Notice and Notice (ECF No. 198) is
15 **GRANTED.**

16 2. The Notice shall be physically mailed to potential class members within two business
17 days of the entry of this order, consistent with the parties’ post-class certification
18 scheduling order.

19 3. Potential class members shall have 60 days to opt out of the class.

20 Dated this 30th day of January, 2018.

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22 
23 PEGGY A. LEEN
24 UNITED STATES MAGISTRATE JUDGE
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² The website is www.SOCGuardsClassAction.com.